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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Appln of:

Rolf SAMUELSSON

Serial No.: 09/308,655

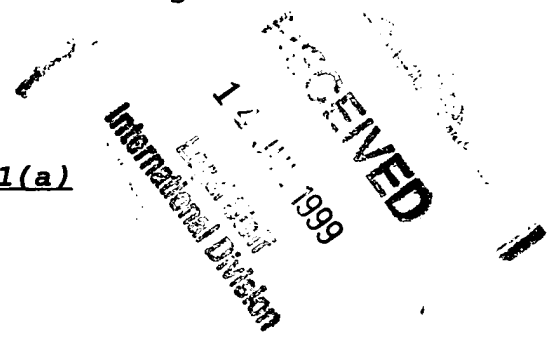
Filed: June 1, 1999

For: DEVICE FOR ISOMETRIC/DYNAMIC
EXERCISE/TRAINING/TESTING



Group Art Unit: Not Assigned

Examiner: Not Assigned



PETITION UNDER 37 CFR §1.181(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This is a Petition under 37 CFR §1.181(a) to withdraw the abandonment of the captioned application. This Petition is being filed in response to a Notice of Abandonment, mailed July 1, 1999, which indicates that the application was not timely filed, i.e., "(was due 31 May 1999; we rec'd request on 01 June 1999)". A copy of the Notification of Abandonment is attached hereto. Pursuant to 37 CFR §1.181(a), the present Petition should be treated as a Petition to Withdraw the Holding of Abandonment. No Petition fee is required.

In support of the present Petition, the undersigned practitioner hereby declares that this application was, in fact, timely filed inasmuch as May 31, 1999 was a Federal holiday, i.e., Memorial Day, and all Government offices were closed on that day in observance of that holiday. Pursuant to 37 CFR §1.7,

When the day, or the last day fixed by statute or by or under this part for taking any action of paying any fee in the Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a Federal holiday.

Accordingly, since May 29 and 30, 1999 were a Saturday and Sunday, respectively, and May 31, 1999 was a Federal holiday, the instant application was timely filed on June 1, 1999, the next succeeding day which was not a Saturday, Sunday, or a Federal holiday.

For the foregoing reasons, this Petition under 37 CFR §1.181(a) should be granted and prosecution on the merits of the above-identified application should proceed.

Should it be found necessary, please charge undersigned counsel's Deposit Account No. 06-1358 for any fees in connection with this Petition. A duplicate of this paper is attached.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By: 

Harvey E. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666
Atty. Dkt. No.: P63569US0
HBJ/lhs
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